

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
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IN THE MATTER OF THE PETITION OF UTILITY )  
CENTER, INC. d/b/a AQUASOURCE FOR )  
AUTHORITY TO INCREASE ITS RATES AND )  
CHARGES FOR WATER AND SEWER SERVICE )  
AND FOR APPROVAL OF NEW SCHEDULES OF )  
RATES AND CHARGES APPLICABLE THERETO )

CAUSE NO. 41968

FILED

DEC 02 2003

INDIANA UTILITY  
REGULATORY COMMISSION

You are hereby notified that on this date the Indiana Utility Regulatory Commission has caused the following entry to be made:

On November 26, 2003, Intervenor, the City of Fort Wayne ("Intervenor" or "Fort Wayne"), filed with the Commission its "Motion to Reschedule Evidentiary Hearing," which appears in the following words and figures, to-wit:

[H.I.]

In its Motion, Intervenor requests that the Commission reschedule the Evidentiary Hearing in this matter from December 4, 2003 to the week of January 5, 2004 or later. Intervenor argues in its Motion that the Court of Appeals, in approving a sixty (60) day status report, extended the Commission's due date for ruling on the Settlement Agreement an additional sixty (60) days. Intervenor indicates that counsel for Utility Center has been contacted and opposes rescheduling the Evidentiary Hearing.

On December 1, 2003, Utility Center filed with the Commission its "Response in Opposition to City of Fort Wayne's Motion to Reschedule Evidentiary Hearing," which appears in the following words and figures to wit:

[H.I.]

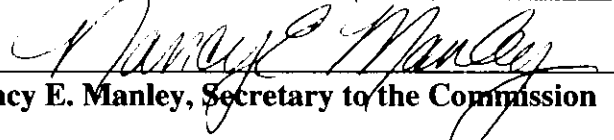
In its Response, Utility Center argues that the September 18, 2003 Order from the Court of Appeals clearly requires the Commission to issue an Order by December 10, 2003, and no subsequent order from the Court of Appeals explicitly extends that deadline. In addition to the lack of explicit authority for an extension, Utility Center opposes an extension of the December 4, 2003 hearing because it believes additional delay will not advance the resolution of the real issues in dispute between Utility Center and Fort Wayne.

The undersigned presiding officer notes that both Utility Center and Fort Wayne have already pre-filed their direct and rebuttal testimony regarding the Stipulation and Settlement Agreement that is a subject of this remand. In addition, both parties have already submitted proposed orders to the Commission. Although Utility Center and Fort Wayne jointly requested the initial extension of the Court of Appeals' deadline from mid-September to December 10, 2003, there is no such joint support for an additional extension. In fact, Utility Center believes that additional delay in ruling on the Stipulation and Settlement Agreement may harm ongoing negotiations on other issues involving Utility Center and Fort Wayne. Given these circumstances, the presiding officer finds that the December 4, 2003 Evidentiary Hearing should be convened as scheduled. Intervenor's Motion to Reschedule Evidentiary Hearing is denied.

**IT IS SO ORDERED.**

  
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Gregory S. Colton, Administrative Law Judge

Dated: December 2, 2003

  
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Nancy E. Manley, Secretary to the Commission